

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

THOMAS JEROME FUSELIER,

Plaintiff,

ORDER

v.
LA CROSSE COUNTY JAIL,

13-cv-650-bbc

Defendant.

In response to this court's January 16, 2014, order, plaintiff Thomas Fuselier has submitted an inmate account statement so that I can determine whether he qualifies for indigent status and, if he does, calculate an initial partial payment of the \$350.00 fee for filing this case. In determining whether a prisoner litigant qualifies for indigent status this court applies the formula set forth in 28 U.S.C. § 1915(b)(1). According to this formula, a prisoner requesting leave to proceed *in forma pauperis* must prepay 20% of the greater of the average monthly balance or the average monthly deposits made to his prison account in the six-month period immediately preceding the filing of the complaint.

From the inmate account statement plaintiff has submitted, I calculate his initial partial payment to be \$22.68. Also, he must pay the remainder of the fee in monthly installments even if his request for leave to proceed is denied. Plaintiff should show a copy of this order to jail officials to insure that they are aware they should send plaintiff's initial partial payment to this court.

ORDER

IT IS ORDERED that plaintiff Thomas Fuselier is assessed \$22.68 as an initial partial payment of the \$350 fee for filing this case. He is to submit a check or money order made payable to the clerk of court in the amount of \$22.68 on or before February 21, 2014. If, by February 21, 2014, plaintiff fails to make the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event, the clerk of court is directed to close this file without prejudice to plaintiff's filing his case at a later date.

Entered this 31st day of January, 2014.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge